UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,095	02/25/2004	Hiroshi Iida	118829	8527

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EXAMINER
DICKER, DENNIS T

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 October 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-7 and 16-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-7 and 16-28</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20091223

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-7 and 16-28 have been

considered but are moot in view of the new ground(s) of rejection.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and In *re Thorington*, 418 F.2d 528, 163 USPQ
644 (CCPA 1969).
         A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
         Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).
3.   Claims 23-28 are rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claims 7 and 13 of U.S. Patent No.

7,254,743. Although the conflicting claims are not identical, they are not patentably

distinct from each other because both discuss a plurality of processes in association

with a service wherein if an error occurs during prosecution the processes continues

except for the process in which the error occurs. Then re-execution of the process is

later executed where the error occurred.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-7 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Kim (hereinafter "Kim '243" US 6,101,243) in view of Nakatani et al. (hereinafter

"Nakatani '079" US 5,253,079) and further in view of Hertling et al (US 7,299,244).

With respect to **Claim 1,** Kim '243 teaches a service processing system providing

a service of performing a predetermined series of processes on document data through

cooperation among the processes over a network **(i.e., Col. 1 lines 19-22, facsimile**

system) comprising: a control device **(i.e., Fig. 1)**; a storage device **(i.e., 20 of Fig. 1,**

Memory), provided in a control device, that stores a work flow of the predetermined

series of processes **(i.e., Col. 3 lines 47-49, memory stores program data of system**

[workflow Table 1]); an acquisition device **(i.e., 50 of Fig. 1, Modem)** that acquires

document data on a page basis **(i.e., Col. 3 lines 56-60)**;; and a controller **(i.e., 10 of**

Fig. 1, CPU) provided in the control device that determines **(i.e., Col. 3 lines 44-47,**

CPU determines which phase the error occurs)whether an acquisition error

indicating failure in acquiring the document data occurs **(i.e., Col. 5 lines 35-40)** and

whether a decode error indicating failure in decoding the acquired document data

occurs **(i.e., Col. 5 lines 40-46)**, and executes a recovery process **(i.e., Fig. 2,**

recovery process) to eliminate the acquisition error when the acquisition error occurs

(i.e., Col. 4 lines 39-61,method of eliminating acquisition error) and the decode

error when the decode error occurs wherein, in the recovery process **(i.e., Col. 4 lines**

62-Col. 5 line 5, recovery process for error after transmission), the controller

requests to resend a page of the document data in which the acquisition error occurs

(i.e., Fig. 2) .

Kim '243 does not explicitly teach a decoding device that decodes the acquired

document data on a page basis and controls reexecution of a decoding process of a

page of the document data in which the decode error occurs, a rule management unit

that creates and manages rules relating to processing tasks for the predetermined

series of processes on document data, the rules being dynamically created based upon

capturing destinations, processing methods, and distribution destinations for the service

processing system: and a recovery unit that performs recovery processing on the

document data based upon the particular rule managed by the rule management unit

However, the mentioned claimed limitations are well known in the art as

evidenced by Nakatani '079, In particular, Nakatani '079 teaches the use of a decoding

device **(i.e., 36 of Fig. 1, Expansion device)** that decodes the acquired document data

on a page basis **(i.e., Col. 10 lines 16-18 and Col. 7 lines 42-45)** and controls

reexecution of a decoding process **(i.e., Col. 10 lines 25-28, re-decoding process**

when an error occurs[Col. 10 lines 19-21]) of a page of the document data in which

the decode error occurs **(i.e., Col. 4 lines 31-43)** and a recovery unit that performs

recovery processing on the document data based upon the particular rule managed by

the rule management **unit (i.e., Col. 3 line 41-48, Col. 4 lines 27-43 and Col. 10**

lines 19-28, If a facsimile processing rule is created the fax processing may

include a line error counter [32] which performs recovery processing) and Hertling

teaches a rule management unit that creates and manages rules relating to processing

tasks for the predetermined series of processes on document data, the rules being

dynamically created based upon capturing destinations, processing methods, and

distribution destinations for the service processing system **(i.e., Fig. 10 and 12 and Col.**

1 line 14- Col. 2 line 39, rules stored in a database are managed and used to

dynamically create a workflow using a plurality of process and devices)

In view of this, it would have been obvious to one having ordinary skill in the art

at the time of invention was made to modify the service processing system of Kim '243

as taught by Nakatani '079 and Hertling since Nakatani '079 suggested in Col. 1 lines 1-

20-68 that such a modification would provide improved reliability in a facsimile system

when receiving a fax wherein the facsimile device of Kim'243 acquires a page and

processes a page while determining an error and using a recovery process to clear the

error and Nakatani '079 shows an improvement to the recovery process by re-decoding

a page when an error is found rather than re-dialing a number which will save time and

money and Hertling explains that such a modification would increase flexibility and

efficiency when combining and controlling functions of different devices.

With respect to **Claim 2,** Kim '243 teaches a service processing system wherein the controller temporarily halts the predetermined processes when the acquisition error or the decode error occurs **(i.e., Col.4 lines 3-8, if there is an error the controller automatically halts the process)**, requests executes the recovery process, and clears the halt after the execution of the recovery process **(Col.4 lines 3-8 and Fig. 2, request to redial the number to clear the halt).**

With respect to **Claim 3,** Kim '243 teaches a service processing system wherein the controller continues execution of the performing of the predetermined processes on document data except for the process of the page of the document data in which the acquisition error or the decode error occurs **(i.e., ,113 of fig. 2 and Col. 4 lines 62-Col. 5 line 20, ability to continue execution of a predetermined process except for error page),** and performs the execution of the recovery process separately from the continued processes of the predetermined processes **(i.e.,113 of Fig. 2 , recovery process separately from error page).**

With regards to the image processing device of **Claim 4**, the limitations of the claim 4 are corrected by limitations of claim 1 above. The steps of claim 4 read into the function step of claim 1.

With regards to the image processing device of **Claim 5**, the limitations of the claim5 are corrected by limitations of claim 2 above. The steps of claim 5 read into the function step of claim 2.

With regards to the image processing device of **Claim 6**, the limitations of the claim 6 are corrected by limitations of claim 3 above. The steps of claim 6 read into the function step of claim 3.

With regards to the image processing device of **Claim 7**, the limitations of the claim 7 are corrected by limitations of claim 1 above. The steps of claim 7 read into the function step of claim 1.

With regards to the image processing method of **Claim 16**, the limitations of the claim 16 are corrected by limitations of claim 1 above. The steps of claim 16 read into the function step of claim 1.

With regards to the image processing method of **Claim 17**, the limitations of the claim 17 are corrected by limitations of claim 2 above. The steps of claim 17 read into the function step of claim 2.

With regards to the image processing method of **Claim 18**, the limitations of the claim 18 are corrected by limitations of claim 3 above. The steps of claim 18 read into the function step of claim 3.

With regards to the image processing method of **Claim 19**, the limitations of the claim 19 are corrected by limitations of claim 1 above. The steps of claim 19 read into the function step of claim 1.

6.   Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (hereinafter "Kim '243" US 6,101,243) in view of Nakatani et al. (hereinafter "Nakatani '079" US 5,253,079) and further in view of Hertling et al (US 7,299,244) and further in view of Shizmu et al (US 6,609,162).

With respect to Claims 20-22, Kim '243 does not explicitly teach a service

processing device wherein the predetermined series of processes originate from a

plurality of multi-function devices and include at least a document capturing process, a

document processing process, and a document distribution process wherein each of the

multi-function devices provide at least one of an input plug-in function, a processing

plug-in function and an output plug-in function, and wherein the control device

automates and routinizes the predetermined series of processes.

However, the mentioned claimed limitations are well known in the art as

evidenced by Shizmu, In particular, Shizmu teaches wherein the predetermined series

of processes originate from a plurality of multi-function devices **(i.e., Col. 1 lines 66-**

Col.2 lines 32) and include at least a document capturing process , a document

processing process, and a document distribution process **(i.e., Col. 1 lines 15-22 and**

Col. 14 lines 19-22[Fax mode]) wherein each of the multi-function devices provide at

least one of an input plug-in function **(i.e., Col. 2 lines 16-32)**, a processing plug-in

function and an output plug-in function, and wherein the control device automates and

routinizes the predetermined series of processes **(i.e., Col. 4 lines 36-49, control**

server automates predetermined series of processes).

In view of this, it would have been obvious to one having ordinary skill in the art

at the time of invention was made to modify the service processing system of Kim '243

as taught by Nakatani '079, Hertling and Shizmu since Nakatani '079 suggested in Col.

1 lines 1-20-68 that such a modification would provide improved reliability in a facsimile

system when receiving a fax wherein the facsimile device in Kim'243 acquires a page

and processes a page while determining an error and using a recovery process to clear

the error and Nakatani '079 shows an improvement to the recovery process by re-

decoding a page when an error is found rather than re-dialing a number which will save

time and money and Shizmu and Hertling explains that such a modification would

increase flexibility and efficiency when combining and controlling functions of different

devices.

7.   Claims 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Tanimoto (US 6,885,469) in view of Takeda (US 6,279,117).

8.   With respect to **Claims 23, 25 and 27,** Tanimoto teaches a service processing

system which processes on a network in association with a service **(i.e., Fig. 1, fax**

service), the service performing a series of a plurality of processes, in a predefined

order, with respect to document data **(i.e., Col. 1 lines 6-12),** the system comprising: a

control means which performs control such that when there is an error with respect to

processing of the document data during execution of the series of the plurality of

processes **(i.e., Col. 1 lines 7-12 and 21-25),** the processes following the process in

which there was an error among the series of the plurality of processes are performed

with respect to portions of the document data other than a location in which there was

the error, and by a process different from the processes after the process in which there

was the error, the processing of the portion of the document data at the location, in

which there was an error **(i.e., Col. 1 lines 36-41, a process can be selectively**

disabled).

Tanimoto does not explicitly teach a service processing system wherein a portion of the document data is re-executed in the location in which the error occurred.

However, the mentioned claimed limitations are well known in the art as evidenced by Takeda, In particular, Takeda teaches the use of a service processing system wherein a portion of the document data is re-executed in the location in which the error occurred **(i.e., Col. 1 lines 5-Col. 2 lines 11, portions of job are re-executed where an error occurred)**

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the re-execution technique as taught by Takeda in the system taught by Tanimoto as suggested in Col. 1 lines 59-Col. 2 line 11 since such a modification would provide a recovery process to bring back an important function/process back to a normal state after a failure.

With respect to **Claims 24, 26 and 28,** Tanimoto teaches a service processing system wherein when the control means performs the control so as to cause the re-execution, the control means performs control so as to execute the processes following the process in which there was the error among the series of the plurality of processes, with respect to the portion of the location in which there was the error, by using different processes **(i.e., Fig. 2, an alternative process is designated when an error occurs)**

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

10.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DENNIS DICKER whose telephone number is (571)270-

3140. The examiner can normally be reached on Monday -Thursday 7:30 A.M. to 5:00

P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Twyler Haskins can be reached on (571) 272-7406. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. D./
Examiner, Art Unit 2625
1/2/2010

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625